

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARISSA MALDONADO, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:24-cv-00102-KES-SAB

ORDER GRANTING MOTIONS TO  
APPOINT MARISSA MALDONADO AS  
GUARDIAN AD LITEM FOR MINOR  
PLAINTIFFS E.D.M., E.R.M., E.K.M, O.S.,  
U.C.

ORDER REQUIRING SUPPLEMENTAL  
BRIEFING REGARDING MOTION FOR  
GUARDIAN AD LITEM FOR “S.B.”

(ECF Nos. 35, 36, 37, 38, 39, 40)

**APRIL 4, 2025 DEADLINE**

On March 28, 2025, Plaintiffs filed six motions for appointment of Plaintiff Marissa Maldonado to act as guardian ad litem for the six minor plaintiffs in this action. (ECF No. 1.)

Rule 17 of the Federal Rules of Civil Procedure provides that a representative of a minor or incompetent person may sue or defend on the minor or incompetent person’s behalf. Fed. R. Civ. P. 17(c). This requires the Court to take whatever measures it deems appropriate to protect the interests of the individual during the litigation. U.S. v. 30.64 Acres of Land, More or Less, Situated in Klickitat Cty., State of Wash., 795 F.2d 796, 805 (9th Cir. 1986). The appointment of the guardian ad litem is more than a mere formality. Id. “A guardian ad litem is authorized to act on behalf of his ward and may make all appropriate decisions in the course of specific litigation.” Id. A guardian ad litem need not possess any special qualifications, but he must “be

truly dedicated to the best interests of the person on whose behalf he seeks to litigate.” AT&T Mobility, LLC v. Yeager, 143 F. Supp. 3d 1042, 1054 (E.D. Cal. 2015). This means that the guardian ad litem cannot face an impermissible conflict of interest with the ward and courts consider the candidate’s “experience, objectivity, and expertise” or previous relationship with the ward. Id. (citations omitted).

“[W]hen a parent brings an action on behalf of a child, and it is evident that the interests of each are the same, no need exists for someone other than the parent to represent the child’s interests under Rule 17(c).” Gonzalez v. Reno, 86 F. Supp. 2d 1167, 1185 (S.D. Fla.), aff’d, 212 F.3d 1338 (11th Cir. 2000). While a parent is generally appointed as a guardian ad litem, there are situations where the best interests of the minor and the interests of the parent conflict. Anthem Life Ins. Co. v. Olguin, No. 1:06-cv-01165 AWI NEW (TAG), 2007 WL 1390672, at \*2 (E.D. Cal. May 9, 2007). Therefore, a parent is not entitled as a matter of right to act as guardian ad litem for the child. Id., at \*2.

Plaintiff Marissa Maldonado moves to be appointed guardian ad litem for the following six minor Plaintiffs in this action:

1. Minor Plaintiff E.D.M., the biological son of decedent and the legally adopted son of Marissa Maldonado. Plaintiff Marissa Maldonado has custody of E.D.M. (ECF No. 35 at 1-2.)
2. Minor Plaintiff E.R.M., the biological son of decedent Aimee Doughty and the legally adopted son of Marissa Maldonado. Plaintiff Marissa Maldonado has custody of E.R.M. (ECF No. 37 at 1-2.)
3. Minor Plaintiff E.K.M., the biological son of decedent Aimee Doughty and the legally adopted son of Marissa Maldonado. Plaintiff Marissa Maldonado has custody of E.K.M. (ECF No. 36 at 1-2.)
4. Minor Plaintiff O.S., the biological son of decedent Aimee Doughty and the next of kin to the Estate of Aimee Doughty. Minor Plaintiff O.S. is the biological brother of minors S.B., U.C., E.D.M., E.R.M., and E.K.M. (ECF No. 38 at 1-2.)
5. Minor Plaintiff U.C. is the biological son of decedent Aimee Doughty and the next of

1 kin to the Estate of Aimee Doughty. (ECF No. 40 at 1.)

2 6. Minor Plaintiff S.B. is the biological daughter of decedent Aimee Doughty and  
3 Richard Barker. Minor Plaintiff S.B. is in the custody of Richard Barker, who has  
4 allowed Plaintiff Marissa Maldonado to represent minor S.B. (ECF No. 39 at 1-2.)  
5 Plaintiff Marissa Maldonado declares she is the legally adopted parent of minor S.B.  
6 (Id. at 3.)

7 Regarding the motion for guardian ad litem for S.B., brought “by and through his mother  
8 Marissa Maldonado,” no minor named “S.B.” is a party to this action. The Court notes a minor  
9 named S.D. is a named Plaintiff and appears to share the same birthday as that listed in the  
10 motion to appoint Plaintiff Maldonado as guardian ad litem for “S.B.” (ECF No. 1 at ¶ 5.) The  
11 instant motion, however, does not proffer whether S.B. and Plaintiff S.D. are the same individual  
12 and offers varied gender pronouns to describe S.B. Should Plaintiffs intend to add an additional  
13 named Plaintiff to this action, a motion for leave to amend is the proper vehicle to do so.  
14 However, to the extent the instant motion (ECF No. 39) merely contains a typographical error  
15 made twenty-six times, the Court shall require that Plaintiff file a supplemental declaration.

16 As to the motions for E.D.M., E.R.M., E.K.M, O.S., and U.C., Plaintiff Marissa  
17 Maldonado declares she is willing to serve as guardian ad litem of Plaintiffs E.D.M., E.R.M.,  
18 E.K.M, O.S., U.C., and S.B. and is fully competent to understand and protect the rights of the six  
19 minor Plaintiffs. (ECF Nos. 35, 36, 37, 38, 39, 40.) Having considered Plaintiffs’ requests for  
20 Plaintiff Marissa Maldonado to be appointed as guardian ad litem for minor Plaintiffs E.D.M.,  
21 E.R.M., E.K.M, O.S., and U.C., and the supporting declarations, the Court finds no apparent  
22 conflicts that would preclude Plaintiff Marissa Maldonado from serving as guardian ad litem for  
23 E.D.M., E.R.M., E.K.M, O.S., and U.C. in this action.

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. **No later than April 4, 2025**, Plaintiffs SHALL file a supplemental declaration by  
26 Plaintiff Marissa Maldonado in support of the motion to appoint Marissa  
27 Maldonado as guardian ad litem for “S.B.” which describes S.B.’s relationship to  
28 this action;

2. The motions to appoint Marissa Maldonado as guardian ad litem for minor Plaintiffs E.D.M., E.R.M., E.K.M, O.S., and U.C. (ECF Nos. 35, 36, 37, 38, 40) are GRANTED; and

3. Plaintiff Marissa Maldonado is appointed guardian ad litem for minor Plaintiffs E.D.M., E.R.M., E.K.M, O.S., and U.C.

IT IS SO ORDERED.

Dated: March 31, 2025



STANLEY A. BOONE  
United States Magistrate Judge